

U.S. Application No. 09/965,148

**REMARKS**

The Applicants request reconsideration of the rejection.

Claims 1-3, 5-6, 49-54 and 59-64 are now pending, including new claims 59-64.

Claim 54 stands rejected under 35 U.S.C. §102(e) as being anticipated by Pietraczak et al., U.S. Patent Publication No. 2005/0177849 (Pietraczak). The Applicants traverse as follows.

The method claimed in claim 54 is a data receiving method of receiving data sent via a broadcast wave or an electric communication line. The method includes steps of securing an exclusive memory area in response to a corresponding instruction from a user other than the provider or sender of the data, and storing the received data in different memory areas in a storage unit, in accordance with an identifier added to the received data. According to claim 54, the exclusive memory area is exclusively usable by a respective provider or sender of the data. Further, the different memory areas include the exclusive memory area, the received data is stored in the exclusive memory area when the received data is desired by the provider or sender to be stored in the exclusive memory area, and the exclusive memory area is a restricted memory area subjected to restriction such that at least one of alteration and deletion of the data is prohibited if based on an instruction from a user other than the provider or sender, a provider other than the provider, or a sender other than the sender. Thus, the user of the data, other than the provider or sender, cannot perform at least one of alteration and deletion of the data and the restricted (exclusive) memory area, according to the claim.

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Against these limitations, the Office Action cites Pietraczak at page 4, paragraphs [0041] and [0042], with reference to Figs. 2 and 3. In addition, the Office Action asserts that the "power to exclude other senders of data from using the memory" is performed by using a priority based on an instruction or designation by the user. However, the rejection does not address the feature that the at least one of alteration and deletion of the data is prohibited if the alteration and/or deletion is based on an instruction from a user of the data receiving apparatus other than the provider or sender of the data, a provider other than the provider of the data, or a sender other than the sender of the data. Setting a priority, according to Pietraczak, is not disclosed to prohibit another user, provider, or sender from altering or deleting such data.

Further, the Office Action fails to show where Pietraczak suggests the limitation that received data is stored in different memory areas among a plurality of memory areas in a storage unit, which are logically or physically separated from one another, in accordance with an identifier added to said received data. The Applicants refer the Examiner to the specification beginning at page 36, line 3 for a discussion of a relevant embodiment, wherein it is described that an identifier (data attribute ID) for identifying data to be stored in the exclusive memory area may be added to content data before transmission by the broadcasting provider system, and the data receiving apparatus may determine whether or not the content data should be stored in the exclusive memory area based on the data attribute ID. The Applicants believe that this novel feature is not set forth in any of the prior art of record.

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Claims 1-2, 5-6 and 49-53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond et al., U.S. Patent No. 6,698,020 (Zigmond) in view of Lund, U.S. Patent No. 6,512,551 (Lund) and Coleman, U.S. Patent Publication No. 2002/026351 (Coleman). Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of Lund, Coleman, and Hanai et al., U.S. Patent Publication No. 2005/0160455 (Hanai). Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond in view of Lund, Coleman and Fell, U.S. Patent No. 6,674,994 (Fell).

The Applicants traverse each of these rejections, noting that independent claim 1 recites a data receiving apparatus including a processing unit for securing exclusive memory areas, each being exclusively usable by a respective provider or sender of data in the storage unit, wherein access to the exclusive memory areas by a user of the data receiving apparatus other than the provider or sender is subject to restriction. Further, claim 1 has been amended to recite features of claim 4, in which the processing unit sends a memory capacity or a storage time duration of an exclusive memory area onto the electric communication line in accordance with a predetermined schedule, upon reception of a request from the provider or sender over the electric communication line or upon detection of occurrence of a damage of the exclusive memory area.

Zigmond is cited as disclosing an ad insertion device or data receiving apparatus with a processing unit that performs the process of securing an exclusive memory area which is exclusively usable by a provider or a sender of the data, which are considered to be advertisers having sole control over the data. The Office Action cites col. 11, lines 50-65, but this paragraph discloses that ad selection rules of ad

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selection criteria 83 may be predefined by the advertisers, video programming content providers, or third party operators, or by the viewer. The paragraph discloses that the source of the ad selection rules may be determined according to agreement, or unilaterally practiced by any one of these entities, in which case the particular entity may exercise sole control over the choice of ad selection criteria, not unrestricted access to exclusive memory areas. Further, the paragraph discloses that the ad selection rules can change over time and may be designated in any desired way so as to effectively target individuals belonging to a desired segment of the viewing population. The paragraph does not disclose, at all, that a memory area is exclusively usable by a respective advertiser, or that a user of the data receiving apparatus secures exclusive memory areas using a corresponding instruction.

Although the Office Action is not clear, it may be that Coleman is cited as disclosing the user who causes the exclusive memory areas to be secured for exclusive use by a respective provider or sender of the data, but this secondary reference is not cited as disclosing more than that a user can provide an instruction to register a provider or particular entity. Respectfully, such registration of a provider does not coincide with the requirement that the exclusive memory areas be secured by the user's instruction, such that the exclusive memory areas are secured for exclusive use by the provider or sender of data. Further, none of these references discloses that the user providing these instructions is different from the provider or sender.

Additionally, the language added from claim 4, requiring that the processing unit send a memory capacity or a storage time duration of an exclusive memory area onto the electric communication line in accordance with a predetermined schedule

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upon reception of a request from the provider or sender over the electric communication line or upon detection of occurrence of a damage of the exclusive memory area, is not meant by Fell. In fact, the Office Action cites Fell as disclosing a controller or processing unit that transmits the storage capacity in accordance with a predetermined schedule or scheduling order upon reception of a request, but Fell does not disclose to send a storage capacity of an exclusive memory area, defined as set forth in claim 1, which is necessary to render obvious the claim in combination with the teachings of Zigmond, Lund and Coleman. Further, Fell does not disclose the features that are missing from Zigmond as outlined above. Therefore, each of these claims is patentably distinguishable.

The Applicants further note the separate patentability of dependent claim 5, which recites that, based on an identifier added to the received data, the processing unit determines if the received data is data to be stored in the exclusive memory area. This feature is alleged to be disclosed by Zigmond, in col. 11, lines 31-62 and col. 15, lines 18-24, but at most, these passages generally disclose storage and pre-filtering of advertising material according to ad selection criteria stored at a storage location 83. There is no suggestion of a processing unit that determines if the received data is data to be stored in an exclusive memory area based on an identifier added to the data. If the Applicants have somehow misunderstood the broad application of the reference against the claim, the Applicants respectfully request the Examiner to be more specific in the ensuing Office Action.

New independent 59 requires that at least one of the memory areas be an exclusive memory area subjected to restriction prohibiting at least one of writing, reading, alteration and deletion of received data based on instruction from a user of

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the data receiving apparatus other than a provider or sender of the data. Therefore, for reasons similar to those advanced above, claim 59 is patentable.

In addition, claim 59 recites that, when the processing unit decides, based on information attached to the received data, that a part of the received data is second data, the display unit displays data memorized in the storage unit instead of the second data included in the received data. None of the applied references of record teaches this feature of the invention.

New independent claim 62 recites a data receiving apparatus including a storage unit having a plurality of memory areas, wherein at least one of the memory areas is an exclusive memory area being subjected to access restriction of at least one of writing, reading, alteration and deletion of the data based on instruction from a user of the receiving apparatus other than a provider or sender of the data. Further, the data receiving apparatus of claim 62 includes the processing unit, wherein upon deciding, based on information attached to the received data, that a part of the received data is second data, the processing unit memorizes the second data in the exclusive memory area, but when the processing unit decides, based on information attached to the received data, that a part of the received data is first data, the processing unit memorizes the first data in the memory areas other than the exclusive memory area. Moreover, when the display unit of the data receiving apparatus displays the second data memorized in the exclusive memory area, the display unit also displays the first data memorized in the memory areas other than the exclusive memory area.

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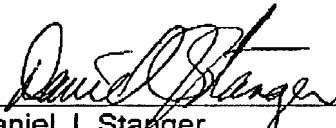
The remaining dependent claims are believed to be separately patentable over the prior art, but additional arguments will be reserved at this time to focus prosecution on the claims discussed above.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. H-1014).

Respectfully submitted,

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